

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOHN L. ALLEN,

Plaintiff,

v.

GLEN HEINZL and
JILL HANSON,

Defendants.

ORDER

08-cv-037-bbc

In an order entered on March 7, 2008, I granted plaintiff John L. Allen's request for leave to proceed in forma pauperis on his Eighth Amendment claims that defendant Glen Heinzl refused to discuss or provide treatment for plaintiff's testicular condition after he learned that the recommended physical therapy was unsuccessful, and that defendant Jill Hanson deliberately delayed providing plaintiff with prescribed pain medication and a brief supporter. On April 25, 2008, plaintiff filed a motion for summary judgment on both of these claims.

It is too early in this case for plaintiff to move for summary judgment. Defendants filed their answer on April 14, 2008. They have had no opportunity to conduct discovery on plaintiff's claims. Therefore, I cannot require them to respond to plaintiff's motion for

summary judgment at this time. On May 1, 2008, a preliminary pretrial conference is scheduled to be held in this case. At the conference, the magistrate judge will set a trial date and deadlines for conducting discovery and filing dispositive motions, such as motions for summary judgment. Plaintiff will be free to renew his motion in accordance with that schedule. For now, however, I must deny plaintiff's motion for summary judgment as premature.

ORDER

IT IS ORDERED that plaintiff John L. Allen's motion for summary judgment is DENIED without prejudice to his refileing his motion in accordance with the schedule that will be set by the magistrate judge at the May 1, 2008 preliminary pretrial conference.

Entered this 28th day of April, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge